

A. G. Contract No. KR93 1728TRN
ECS File No.: 94-02
JPA No.: 93-102
Project: 090CH289/H3139 01D
Section: SR-90, Huachuca City to
Whetstone

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SIERRA VISTA

THIS AGREEMENT is entered into 4 November, 1993,
pursuant to Arizona Revised Statutes, Sections 11-951 through
11-954, as amended, between the STATE OF ARIZONA, acting by and
through its DEPARTMENT OF TRANSPORTATION (the "State") and the
CITY OF SIERRA VISTA, acting by and through its MAYOR and CITY
COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes
Section 28-108 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has delegated
to the undersigned the authority to execute this agreement on
behalf of the State.

2. The City is empowered by Arizona Revised Statutes
Section 48-572 to enter into this agreement and has by
resolution, a copy of which is attached hereto and made a part
hereof, resolved to enter into this agreement and has
authorized the undersigned to execute this agreement on behalf
of the City.

3. The State is conducting a corridor study for
improvements contemplated on State Route 90 from Huachuca City
to I-10. To accelerate the design and construction of the
project, the City desires to participate financially in the
design of the project in the amount of \$100,000.00. In the
event design costs are less than the amount advanced by the
City, the State will refund the City the difference.

THEREFORE, in consideration of the mutual agreements expressed
herein, it is agreed as follows:

NO. <u>18187</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>11/04/93</u>
<u>Richard Mahoney</u> Secretary of State
By <u>Dicky D. Greenwood</u>

II. SCOPE OF WORK

1. The State will:

a. On or about 1 June 1994, invoice the City in the amount of \$50,000.00 which shall be applied towards design costs of the project.

b. Invoice the City for an additional \$50,000.00 on or about 1 June 1995 which shall be applied towards design costs of the project.

b. Develop and provide to State standards design plans, specifications and such other documents necessary for construction of the project.

d. Upon approval of the Transportation Board, during State FY-97/98 construct the project subject to study results and design criteria.

2. The City will:

Within 30 days after receipt and approval of invoices, advance the State a total of \$100,000.00 towards the design of the project.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said project design; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Sierra Vista
City Manager
2400 E. Tacoma Street
Sierra Vista, AZ 85635

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SIERRA VISTA

STATE OF ARIZONA

Department of Transportation

By Richard F. Archer
RICHARD ARCHER
Mayor

By Robert P. Mickelson
ROBERT P. MICKELSON
Deputy State Engineer

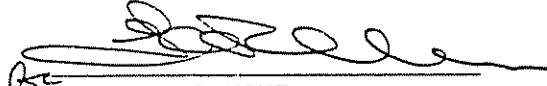
ATTEST

By Sandra L. Kenny
SANDRA L. KENNY
City Clerk

RESOLUTION

BE IT RESOLVED on this 19th day of July 1993, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Sierra Vista for the purpose of defining responsibilities for the design of improvements to SR-90 from Huachuca City to I-10.

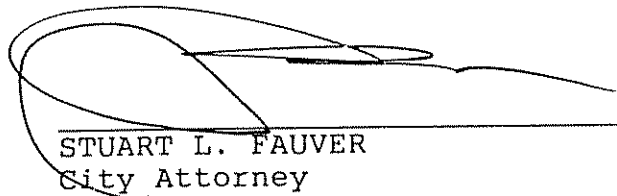
Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.


LARRY S. BONINE
Director

APPROVAL OF THE SIERRA VISTA CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF SIERRA VISTA, and declare this agreement to be in proper form and within the powers and authority granted to the City of Sierra Vista under the laws of the State of Arizona.

DATED this 23rd day of September, 1993.


STUART L. FAUVER
City Attorney

RESOLUTION 3087

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING PLANNING GOAL 02, TRANSPORTATION; REAFFIRMING SETTLED POLICY TO CONTRACT WITH OTHER GOVERNMENTAL AGENCIES TO PERFORM SERVICES; REAFFIRMING SETTLED POLICY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ANOTHER PUBLIC AGENCY; AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION (ADOT) AND ALLOCATING \$100,000 TOWARDS THE DESIGN AND CONSTRUCTION OF THE WIDENING OF SR 90 BETWEEN HUACHUCA CITY AND WHETSTONE; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista, the Town of Huachuca City, the County of Cochise, and the Executive Board of the SouthEast Arizona Governments Organization, have all identified State Highway 90, from Huachuca City to I-10, as the highest priority traffic problem in Southeast Arizona; and

WHEREAS, State Highway 90 is the only major north-south traffic corridor to the City of Sierra Vista, Fort Huachuca, and Huachuca City from I-10 which serves the rapidly developing southern portion of Cochise County; and

WHEREAS, the rapid growth along the corridor is evidenced by an increase in traffic volumes and traffic accidents on SR 90 within the past three years; and

WHEREAS, improving SR 90 that will provide safe and efficient travel is important to the community's economic development, and there is a need to address traffic problems resulting from the rapid growth before they reach critical levels; and

WHEREAS, ADOT recently completed a corridor study along SR 90, which analyzed the traffic problems on SR 90 and recommended widening improvements to address the increasing traffic volumes and accident rates; and

WHEREAS, on April 22, 1993, the City Council adopted Resolution 2997, which supported the recommendations outlined in the SR 90 Corridor Study and proposed to ADOT a commitment of up to \$100,000 to be allocated towards the design and construction of a 6.6 mile widening project of SR 90, from Huachuca City through Whetstone (Milepost 3.06.5), provided ADOT agreed to program construction funds in ADOT's Five-Year Construction Program; and

WHEREAS, on June 18, 1993, the ADOT Transportation Board accepted the City's commitment and programmed construction funds for FY-1998/99 into ADOT's Five-Year Construction Program to widen SR 90, from Huachuca City through Whetstone; and

WHEREAS, ADOT has drafted a Joint Participation Agreement, attached hereto and made a part hereof, reflecting ADOT's and City's commitments towards design and construction of a widening project for SR 90; and

WHEREAS, the City and State, in accordance with A.R.S. 48-572 and A.R.S. 28-108, are empowered to contract, or agree to jointly contract, for services and/or jointly exercise any powers common to both parties which will mutually benefit both City and State; and

WHEREAS, the City Attorney has reviewed the attached Joint Participation Agreement and determined it to be legal and proper for the City to execute said Agreement with ADOT; and

WHEREAS, the proposed action is consistent with the settled policy of the City Council, most recently affirmed by Resolution 3064, to contract with other governmental agencies to perform services whenever it is determined to be in the best interest of the citizens of Sierra Vista to not duplicate the ability to perform the service; and

WHEREAS, it is settled policy of the City Council, most recently affirmed by Resolution 3064, to enter into an intergovernmental agreement with another public agency.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

A. That the VISTA 2000 Transportation Goal 02, Planning Policies 1 through 4 thereof, be, and hereby are, reaffirmed.

B. That the settled policy of the City Council, most recently affirmed by Resolution 3064, to contract with other governmental agencies to perform services whenever it is determined to be in the best interest of the citizens of Sierra Vista to not duplicate the ability to perform the service be, and hereby is, reaffirmed.

C. That the settled policy of the City Council, most recently affirmed by Resolution 3064, to enter into an inter-governmental agreement with another public agency, be, and hereby is, reaffirmed.

SECTION 2

That the City be, and hereby is, authorized to enter into an Intergovernmental Joint Participation Agreement with the Arizona Department of Transportation, and committing up to \$100,000 to be allocated over Fiscal Years 1993-94 and 1994/95, towards design and construction of a widening project on SR 90, from Huachuca City through Whetstone (Milepost 306.5), in accordance with the cross-sections recommended in the approved SR 90 Corridor Study and ADOT agreeing to program funding in FY-97/98 to construct said widening project, as outlined in the Intergovernmental Agreement attached hereto and made a part hereof.

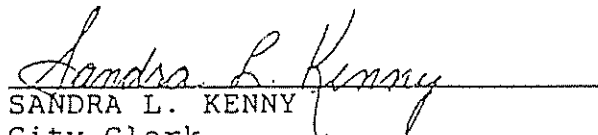
SECTION 3

That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.


PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 23RD DAY OF SEPTEMBER, 1993.


RICHARD F. ARCHER
Mayor

ATTEST:

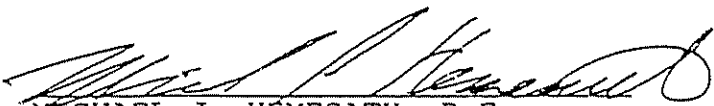

SANDRA L. KENNY
City Clerk

APPROVED AS TO FORM:



STUART L. FAUVER
City Attorney

PREPARED BY:



MICHAEL J. MEMESATH, P.E.
City Engineer

RESOLUTION 3087
PAGE FOUR OF FOUR
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STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

GRANT WOODS
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX 85007-2926

MAIN PHONE : 542-5025
TELECOPIER : 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. KR93-1728-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 21st day of October, 1993.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:ggt
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